

HENRY STODDARD.

[To accompany bill H. R. No. 131.]

JANUARY 12, 1836.

Mr. CARR, from the Committee on Private Land Claims, made the following

REPORT :

The Committee on Private Land Claims, to which was referred the petition of Henry Stoddard, the legal representative of Francis Duchoquet, have had the same under consideration, and report :

That the chiefs of the Shawanese nation of Indians, of Wapaghkonetta, in the State of Ohio, did on the 20th day of March, 1821, grant to the said Francis Duchoquet, and to his heirs and assigns, forever, one-half section of land, of three hundred and twenty acres, at a place called Co-to-se-ka, on the north side of the Auglaise river; that said chiefs, for themselves, their nation, their heirs and successors, relinquished all their claim to said tract of land, and forever vested the right and title thereof in the said Francis Duchoquet; nevertheless, he was not to sell, convey, or dispose of the said tract of land, or rent or lease it to any person or persons, without the consent and approbation of the agent for the Shawanese nation of Indians, for the time being. And it was further agreed that, should the said nation, at any time, dispose of their lands at Wapaghkonetta, the chiefs bound and obliged themselves, and their successors, and their nation, to procure from the Government of the United States a title, in fee simple, for said tract of land, to the said Francis Duchoquet, his heirs or assigns. This grant or deed appears to have been executed on the 20th day of March, 1821, in the presence of John Johnston, Indian agent, and James McPherson, assistant agent, and approved by James Monroe, on the 12th day of December, 1822, then President of the United States. There is before the committee a certified copy of a deed of conveyance for said land, by said Francis Duchoquet, to one Nicholas Smith, dated the 9th day of September, 1825; and also a deed of conveyance for said tract of land, by the said Nicholas, to the petitioner, Henry Stoddard, bearing date on the 7th day of November, 1833.

The eleventh article of the treaty with the Shawanese nation of Indians, on the 8th day of August, 1831, for the purchase of the Wapaghkonetta reserve, &c. reads as follows: "It is understood by the present contracting parties that any claim which Francis Duchoquet may have under former treaties, to a section or any quantity of the lands hereby ceded to the United States, are not to be prejudiced by the present compact, but to remain as valid as before."

It is also in evidence before the committee that, in pursuance of said treaty, a tract of land of three hundred and twenty acres, has been surveyed for Mr. Duchoquet, so as to embrace parts of sections, Nos. 30 and 31, in township No. 5, south of range No. 6 east, in the late Wapaghkonetta reservation. The committee are of opinion that the legal representative of the said Francis Duchoquet ought to be confirmed in his claim to the above described tract of land, and for that purpose have reported a bill, authorizing the Secretary of the Treasury to cause a patent to be issued to Henry Stoddard for the same.

REPORT

The Committee on Private Land Claims to which was referred the petition of Henry Stoddard, the legal representative of Francis Duchoquet, have had the same under consideration, and report:

That the claim of the Shawnee nation of Indians of Wapaghkonetta, in the State of Ohio, did on the 20th day of March, 1821, grant to said Francis Duchoquet, and to his heirs and assigns forever, one-half section of land of three hundred and twenty acres at a place called by them as on the north side of the Augustus river; that said Duchoquet, after their nation, their heirs and assigns, relinquished all their claim to said tract of land, and forever vested the right and title therein in said Francis Duchoquet; notwithstanding he was not in sole control or possession of the said tract of land, or right or title to any portion or portion without the consent and approbation of the agent for the Shawnee nation of Indians for the time being. And it was further agreed that should the said nation at any time dispose of their lands in Wapaghkonetta, the claim should and obliged themselves, and their successors, and their assigns, to procure from the Government of the United States a title in fee simple for said tract of land to the said Francis Duchoquet, his heirs or assigns. This grant or deed appears to have been executed on the 20th day of March, 1821, in the presence of John Johnston, Indian agent, and James McPherson, assistant agent, and approved by James Johnston, on the 12th day of December, 1822, then President of the United States. There is before the committee a certified copy of a deed of conveyance made and sold fully by said Francis Duchoquet to one Nicholas Smith, dated the 31st day of September, 1825; and also a deed of conveyance for said tract of land by said Nicholas to the petitioner, Henry Stoddard, bearing date on the 7th day of November, 1831.

The eleventh article of the treaty with the Shawnee nation of Indians on the 8th day of August, 1821, for the purchase of the Wapaghkonetta reservation, &c. reads as follows: "It is understood by the present contracting parties that any claim which Francis Duchoquet may have under former treaties to a section or any quantity of the lands hereby ceded to the United States are not to be prejudiced by the present one, but are to remain as before."